

**REMARKS****Notice of Non-Compliant Amendment**

The Examiner has not allowed the amendment mailed by the Applicant on May 4, 2007 to be entered because the amendment was non-compliant. Specifically, the amendment was non-compliant because each of the claims was not provided with the proper status identifier, and as such, the individual status of each claim could not be identified. Applicant apologizes for this oversight. Applicant has corrected the amendment and is resubmitting the amendment to the Examiner with the proper status identifiers.

**Claim Rejections – 35 U.S.C. § 102**

The Examiner has rejected claims 1-2, 6, 9, 12-13, 17, 19-20, 24, and 27 under 35 U.S.C. §102(e), as being anticipated by Bates et al. (U.S. Patent No. 7,080,402) (“Bates”). For the reasons set forth below, Applicant asserts that the cited references fail to anticipate Applicant’s invention as claimed in claims 1-2, 6, 9, 12-13, 17, 19-20, 24, and 27.

Bates discloses applications/functions within an electronic processing device having a GPS card and antenna, such as a laptop or personal digital assistant, can be enabled only when in a specified geographic location. (Bates abstract) Bates further discloses “the geographic location of the electronic processing device is determined, preferably by using the GPS signals received using GPS processing electronics installed in the device.” (Bates, column 7, lines 13-16)

With respect to independent claim 1 in the presently claimed invention, Applicant teaches and claims:

“A method, comprising establishing a connection between a wireless electronic device and one or more supervisory devices associated with a local area of wireless coverage, negotiating an associated environment protocol between the wireless device and the one or more local area supervisory devices, and determining which functions are available for use on the wireless device in the local area based on the outcome of the negotiation.” (Claim 1) (Emphasis added)

Applicant asserts that Bates does not anticipate Applicant’s invention as claimed in independent claim 1 because Bates does not teach at least “negotiating a protocol between the wireless device and one or more local area supervisory devices.” The Examiner attempts to equate Bates “electronic device determines what application/function to enable according to a data record” with Applicant’s “negotiating an associated environment protocol between the wireless device and the one or more local area supervisory devices.” Applicant disagrees with this assessment. It is fundamental in Applicant’s invention to negotiate with one or more local area supervisory devices that are separate from the wireless device. Bates does not disclose any local area supervisory devices. Rather, Bates determines what application/function to enable according to a data record that is stored locally within the device itself. There is no negotiation with any external devices mentioned in the sections within the Bates’ application that Examiner has quoted. Since the negotiation between the wireless device and one or more local area supervisory devices is crucial to Applicant’s claimed

invention (see Applicant's claim 1 and figure 1 with accompanying explanation), Applicant submits that Bates does not anticipate pending claim 1.

In regard to independent claims 12 and 19, Applicant respectfully submits that Bates does not anticipate Applicant's invention at least for the same reasons as independent claim 1. Again, Bates does not teach at least "negotiating a protocol between the wireless device and one or more local area supervisory devices." Thus, Applicant respectfully submits that Bates does not anticipate independent claims 12 and 19 of the presently claimed invention.

Claims 2, 6, 9, 13, 17, 20, 24, and 27 depend from and further limit independent claims 1, 12, and 19, respectively. Thus, for at least the same reasons advanced above with respect to independent claims 1, 12, and 19, Applicant respectfully submits that Bates does not anticipate claims 2, 6, 9, 13, 17, 20, 24, and 27.

Thus, Applicant respectfully requests withdrawal of the 35 U.S.C. 102(e) rejection of claims 1-2, 6, 9, 12-13, 17, 19-20, 24, and 27.

#### **Claim Rejections – 35 U.S.C. § 103**

The Examiner has rejected claims 3-4, 5, 7, 10-11, 14-16, 18, 21-23, 25, and 28-29 under 35 U.S.C §103(a), as being unpatentable over Bates. Claims 3-4, 5, 7, 10-11, 14-16, 18, 21-23, 25, and 28-29 are dependent upon independent claims 1, 12, and 19, respectively. Thus, for at least the same reasons advanced above with respect to independent claims 1, 12, and 19, Applicant respectfully submits that Bates does not render these dependent claims obvious. Thus, because Bates does not teach, suggest, or render obvious Applicant's invention as claimed in pending claims 3-4, 5, 7, 10-11, 14-

16, 18, 21-23, 25, and 28-29, Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection of claims 3-4, 5, 7, 10-11, 14-16, 18, 21-23, 25, and 28-29.

The Examiner has rejected claims 8 and 26 under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Daniels et al. (U.S. Application No. 2004/0259574) ("Daniels"). Applicant asserts that the cited references fail to teach, suggest, or render obvious Applicant's invention as claimed in claims 8 and 26.

Daniels teaches a system and method for consolidating user privacy preferences for location-based services. A mobile user is able to control the service providers to which the mobile user's location is transmitted as well as control the service providers from which the user wishes to receive content. (Daniels abstract)

Claims 8 and 26 are dependent upon independent claims 1 and 19, respectively. Thus, for at least the same reasons advanced above with respect to independent claims 1 and 19, Applicant respectfully submits that Bates and Daniels, each taken alone or in combination, do not render these dependent claims obvious. Therefore, because Bates and Daniels, each taken alone or in combination do not teach, suggest, or render obvious Applicant's invention as claimed in pending claims 8 and 26, Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection of claims 8 and 26.

**CONCLUSION**

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 50-0221. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Derek J. Reynolds at (916) 356-5374.

Respectfully Submitted,

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/Derek J. Reynolds/  
Derek J. Reynolds  
Reg. No.: 60,104

Intel Corporation  
c/o Intellevate, LLC  
P.O. Box 52050  
Minneapolis, MN 55402  
(916)356-5358